

## CHAPTER 99: LITTER

### SECTION

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#### Litter

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#### GENERAL PROVISIONS

#### 99.01 TITLE AND DEFINITIONS

(a) Title

This ordinance shall be known and may be cited as the Richmond Litter Control Ordinance.

(b) Definitions

(1) "LITTER" means all uncontained man-made waste materials, but not including the properly disposed waste of industrial processing. It includes all inoperable or disposed material commonly referred to as "junk".

(2) "PERSON" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.

(3) "PRIVATE PROPERTY" means property owned and used for private purposes.

(4) "PUBLIC PROPERTY" means any area that is used or held out for use by the public, whether owned or operated by public or private interests.

(5) "VEHICLE" means every device capable of being moved upon a public highway or public waterway or upon rails or tracks and aircraft.

(6) "LITTER RECEPTACLE" means a container with a capacity of not less than ten gallons, constructed and placed for use as a depository for litter.

#### 99.02 MOVING VIOLATIONS

(a) Indiscriminate litter disposal and dumping

(1) It shall be unlawful for any person to dispose of litter upon any public or private property except in authorized receptacles or in an area designated by the State as a permitted disposal site.

(2) When litter has been ejected from a motor vehicle in violation of this section, the owner or operator of the vehicle shall be presumed to have ejected the litter.

(b) Uncovered vehicles; Escape of load

(1) No vehicle shall be operated on any highway unless the vehicle is constructed and loaded to prevent its load from escaping from the vehicle.

(2) Any person operating a vehicle, from which any matter escaped that would obstruct or damage a vehicle or otherwise endanger travelers, shall immediately remove the matter from the public property and pay any costs incurred.

#### 99.03 STATIONERY VIOLATIONS AND ENFORCEMENT OF ARTICLE III VIOLATIONS

(a) Keeping property clean

Each owner and occupant of real property shall keep the property and adjacent sidewalks, roads, parking lots and alleys free of litter. The occupant shall have primary responsibility. When a violation occurs, if a tenant-occupant cannot be located or identified, the owner-landlord may be cited. To avoid responsibility under this section, the landlord shall forward the citation to the tenant, and shall send the name and address of the tenant to the City Attorney's office.

(b) Sweeping litter into the street

It shall be unlawful to sweep or push litter from sidewalks into streets or alleys. Such litter shall be deposited in a proper receptacle which shall be covered to prevent scattering by wind and animals.

(c) Construction and demolition sites

(1) It shall be unlawful for any owner, agent, or contractor to permit the accumulation of litter, before, during, or after completion of any construction or demolition project.

(2) It shall be the duty of the owner, agent, or contractor in charge of a construction or development site to furnish adequate litter receptacles, to collect and contain bulk litter on a daily basis. All litter shall be removed from such site not less than once a week.

(3) All demolition and construction materials shall be separated and disposed of by prior permit from the Richmond Sanitary District.

(d) Handbills, advertising material, and litter identification

(1) It shall be unlawful for any person distributing leaflets, or other information material to distribute the material so that it litters property.

(2) Any litter bearing a person's name or address, found on the property of another, shall be presumed to be the property of the person whose name or address appears thereon, and that such person is responsible for the placement of the litter.

99.04 LITTER GENERATED FROM THE IMPROPER HANDLING OF SOLID WASTE

(a) Use of solid waste containers

(1) It shall be unlawful for any person to dispose of any solid waste, by any means except into an approved solid waste container designated for that person's use, unless other means are provided by law.

(2) Reusable solid waste containers shall be fully covered at all times with proper fitting lids in such a manner as to prevent any escape of contents.

(3) Disposable solid waste containers, such as plastic bags, may be used only as approved by the Sanitary District. Such disposable containers must be completely and securely closed or tied with twine or a fastening device in such a manner as to prevent the escape of any contents, and in accordance with Sanitary District requirements.

(4) It shall be unlawful for any person to remove any item from a reusable solid waste container or open a disposable waste container, except the owner and those persons whose duty it is to service the container.

(5) It shall be unlawful to use a Solid Waste Container of any kind to dispose of any materials not defined as Municipal Solid Waste by the Richmond Sanitary District.

(6) All households, commercial establishments and institutions must provide solid waste containers adequate for their own use, as prescribed by the Richmond Sanitary District.

(b) Indiscriminate dumping or discarding of litter and solid waste

Any unauthorized accumulation of refuse or trash items on any lot, property, premises, public street, alley, or other public or private place is hereby declared to be a public nuisance and is prohibited. Failure of owner and/or occupant to remove and correct any such unauthorized accumulation of refuse shall be deemed a violation of this article.

#### 99.05 GOVERNMENT-AUTHORIZED CLEAN-UP

Clean-up of premises by government authorization

(a) Ten (10) days after due notice is given to any owner, agent, occupant, or lessee of any private property to remove litter from the premises, the City is authorized to clean up the private property and bill the owner, or his agent, for the costs thereof. If the bill has not been paid within thirty days, execution may be issued by the City against the person for the amount expended in the cleaning work, and such execution shall constitute a lien on the property until the claim has been satisfied.

(b) Execution of the notice to remove litter shall be in writing and shall be in the form of a Registered Letter.

#### 99.06 LITTER RECEPTACLES

(a) Use of litter receptacles

It shall be unlawful to deposit any item or items, except litter, in any receptacle placed for public use as a depository for litter.

(b) Litter receptacles are required at or on

(1) Public streets

- (2) Parks
- (3) Camp grounds and trailer parks
- (4) Drive-in restaurants
- (5) Quick service or fast-food restaurants
- (6) Self-service refreshment areas
- (7) Construction sites
- (8) Gasoline service stations
- (9) Shopping centers
- (10) Parking lots operated for public use
- (11) Marinas and boat docking and fueling stations
- (12) Boat launching areas
- (13) Public and private piers which are operated for public use
- (14) Beaches and bathing areas
- (15) Sidewalks in business districts
- (16) Public buildings, including schools
- (17) Sporting events, fair grounds, carnivals, circuses, festivals, and other similar events to which the public is invited.

It shall be the duty of any person owning or operating any public place to provide receptacles adequate to contain the litter generated at the establishment in places that are easily accessible. The presence of litter in a public place shall create a rebuttable presumption of inadequate placement of receptacles.

(c) Litter receptacles purchased and placed in compliance with these regulations shall meet the following minimum standards

- (1) A reusable litter receptacle shall have a capacity of ten gallons or more.
- (2) The receptacle shall be constructed of such quality as to maintain the original shape when placed at an outdoor location, and be reasonably resistant to rust and corrosion. Construction and configuration of all receptacles shall be in conformance with all pertinent laws, ordinances, resolutions, or regulations pertaining to fire, safety, public health, and welfare.
- (3) The receptacle shall be reasonably stationery and secure from movement and destruction by vandals.
- (4) The receptacle shall be constructed and designed or covered in such a manner as to prevent, or preclude, the blowing of litter from the receptacle.
- (5) The receptacle shall be serviced with a frequency sufficient to prevent overflow or spoilage and to prevent the accumulation of offensive odors.

(6) The receptacle shall be aesthetically pleasing in appearance.

(7) Recycling containers are not interchangeable with litter receptacles.

#### 99.07 ENFORCEMENT

(a) The enforcement of moving violations under Article II shall be limited to law enforcement officers.

(b) The enforcement of the remaining articles may be enforced by law enforcement officials, authorized department officials of Public Works, Sanitation, Solid Waste Management, Building and Zoning, Fire, Health, Parks and Recreation, and Housing.

#### 99.08 PENALTIES

Violations of this ordinance shall be punishable by a fine of \$25.00 per violation. At the discretion of the court, or city officials charged with the enforcement of this ordinance, community service may be substituted in lieu of payment of the fine.

#### 99.09 VARIANCES

The Board of Public Works and Safety shall have the authority to grant special variances or relief to any provisions or requirements of this chapter, and may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community.

#### 99.10 SEVERABILITY

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction such provision and such holding shall not affect the validity of any other provision and to that end, the provisions of this ordinance are hereby declared to be separable.

#### 99.11 CONFLICT WITH OTHER ORDINANCES OR REGULATIONS

Any rule, regulation, resolution or administrative action of the Richmond Sanitary District that conflicts with this ordinance will take precedence over this ordinance. All other ordinances that are in conflict with this ordinance are repealed to the extent necessary to give this ordinance full force and effect.

#### 99.12 EFFECTIVE DATE FOR COMPLIANCE

These regulations shall be effective on January 1, 1991. All persons and operators subject to these regulations shall comply with the requirements herein on and after. (Ord. 89-1990)